

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

2013 JUL 15 P 2 10

CLERK 
SO. DIST. OF GA

RAFAEL DE JESUS ALVARE GOMEZ, :

Petitioner, :

v. :

CIVIL ACTION NO.: CV513-065

T. JOHNS, Warden and THE UNITED
STATES OF AMERICA, :

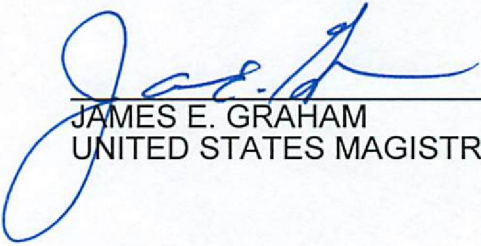
Respondents. :

ORDER

Petitioner Rafael De Jesus Alvare Gomez, an inmate at D. Ray James Correctional Facility in Folkston, Georgia, filed an action ostensibly pursuant to 28 U.S.C. § 2241, seeking to proceed *in forma pauperis*. Upon review, it appears that Gomez's claims are more properly considered to allege a civil rights violation. Gomez is not contesting the computation of his earned time or the execution of his sentence pursuant to 28 U.S.C. § 2241, but rather he is challenging the conditions of his confinement while incarcerated at D. Ray James Correctional Facility. Such a suit must be brought pursuant to 28 U.S.C. § 1331 and Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). The filing fee for such an action is \$350.00. Within fourteen (14) days of the date of this Order, Gomez shall advise the Court if he desires to proceed with these claims pursuant to 28 U.S.C. § 1331 and Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). If Gomez does not timely respond to this Order, this action will be dismissed without prejudice.

Gomez is cautioned that while this action is pending, he **shall** immediately inform this Court in writing of any change of address. Failure to do so will result in dismissal of this case, without prejudice.

SO ORDERED, this 15th day of July, 2013.



JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE